



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/630,448 08/02/00 SHIPLEY

P 0008-011P2

EXAMINER

TM02/1117

HENNEMAN & SAUNDERS
121 E 11TH STREET
TRACY CA 95376

FI ISCA, P

ART UNIT

PAPER NUMBER

2131

DATE MAILED:

11/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/630,448

Applicant(s)

Shipley, Peter M.

Examiner

Pierre Eddy Elisca

Group Art Unit

2131



☒ Responsive to communication(s) filed on Aug 2, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Examiner Pierre Eddy Elisca

United States department of Commerce

Patent and Trademark Office

Washington, D. C. 20231

DETAILED ACTION

1. This office action is in response to application serial number 09/630,448, filed on and also it is a continuation of application 09/210,057 filed on 12/10/1998 now U.S. Pat. No. 6,119,236, which is a continuation in part of U.S. Pat. Application serial number 08/726,563 filed 10/7/1996, now abandoned.

2. Claims 1-8 are presented for examination.

Allowable Subject Matter

3. Claim 1 is allowed over the prior art of record.

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REASONS FOR ALLOWANCE

4. This is an Examiner Statement of reasons for allowance: The prior of record (U.S. Pat. No.5,414,833, Hershey et al.) does not teach or suggest alone or in combination “a controller device configured within the computer system such that said controller device can access all communications into and out of the computer system and can control the firewall to block communications between the computer system and the external communications medium when an attempted security breach is detected; a communications device for communicating instructions from the controller device to the firewall device for controlling the firewall device; wherein the controller device examines communications incoming to the computer system to detect attempted security breaches; and the controller device continuously controls the firewall during the operation of the computer system to block communications between the computer system and the external communications medium when an attempted security breach is detected”.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 2-8 are rejected under 35 U.S.C. 102 (b) as being patentable by Hershey et al. (U.S. pat. No. 5,414,833).

As per claims 2-8, Hershey discloses a security agent, consisting of a monitor and a responder, that respond to a detected security event in a data communications network (or Hershey discloses a method/system of detecting the transmission of infected programs based on viral infection or unauthorized modification see., abstract, col 3, lines 4-66), comprising:
a detect code operation performed by the codes on the computer readable medium wherein known improper code is detected (see., abstract, col 3, lines 31-49); and
a detect patterns operational routine performed by the codes on the computer readable medium wherein a pattern of activity is detected over time (see., Abstract, col 3, lines 31-49, col 4, lines 21-38).

CONCLUSION

7. The prior art made of record and relied upon is considered to applicant's disclosure.
8. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

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If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Gail Hayes can be reached on (703) 305-9711.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

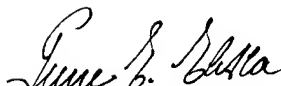
(703) 308-9051, for formal communications intended for entry)

OR:

(703) 305-3718 (for informal or draft communications, please label

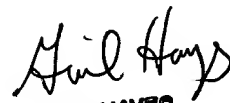
"PROPOSED" or " DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth floor (receptionist).


Pierre Eddy Elisca

Patent Examiner

November 19, 2000


GAIL HAYES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)

(November, 2000)

NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).